

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JOHN A. GRIMES, #01964424,

Petitioner,

v.

DIRECTOR, TDCJ-CID,

Respondent.

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Case No. 6:24-cv-318-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Petitioner John Alfred Grimes, a Texas Department of Criminal Justice prisoner proceeding pro se, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 to challenge a prison disciplinary conviction. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.

On October 24, 2024, Judge Mitchell issued a Report and Recommendation recommending that the petition be denied on the merits, that this action be dismissed with prejudice, and that a certificate of appealability be denied. Docket No. 8. Petitioner filed written objections. Docket No. 10.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other*

grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

The Magistrate Judge recommends dismissal because Petitioner, who is not eligible for release on mandatory supervision, cannot establish any federal violation in connection with his disciplinary conviction that affects the fact or length of his incarceration. Docket No. 8 at 3–5. Accordingly, Petitioner does not raise any claim for which federal habeas relief would lie. *Id.* at 5.

Petitioner’s objection argues at length that his First Amendment rights were violated by disciplinary proceedings that subjected him to a “man-made standard” when he has been forgiven by God. Docket No. 10 at 1. But he does not and cannot establish that his conviction affects the fact or duration of his confinement as necessary to demonstrate that he is “in custody in violation of the Constitution or laws or treaties of the United States” and thus entitled to federal habeas relief. 28 U.S.C. § 2254(a). He argues generally about the conditions of his confinement and violations of his religious liberties, but for the reasons the Magistrate Judge explained, those claims are not cognizable in a habeas action. Docket No. 8 at 4.

Having conducted a de novo review of the record in this case and the Magistrate Judge’s Report, the Court has determined that the Report of the Magistrate Judge is correct, and Petitioner’s objections are without merit. The Court therefore **OVERRULES** Petitioner’s objections (Docket No. 10) and **ADOPTS** the Report and Recommendation of the Magistrate Judge (Docket No. 8) as the opinion

of the District Court. Petitioner's petition for habeas corpus is hereby **DISMISSED** with prejudice.

So **ORDERED** and **SIGNED** this **20th** day of **November, 2024**.

A handwritten signature in black ink, appearing to read "Jeremy D. Kernodle", is written over a horizontal line.

JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE